



Upper Mississippi River Basin Association

ILLINOIS, IOWA, MINNESOTA, MISSOURI, WISCONSIN

December 31, 2007

U.S. Environmental Protection Agency
Docket ID No.EPA-HQ-OW-2007-1126
EPA Docket Center (EPA/DC)
Water Docket, MC 2822T
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

RE: UMRBA Comments on the Draft 2008 Gulf Hypoxia Action Plan

To: U.S. Environmental Protection Agency and the Mississippi River/Gulf of Mexico Watershed
Nutrient Task Force

The Upper Mississippi River Basin Association (UMRBA) is submitting this correspondence in response to the request made by the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force (Task Force) for public comment on the draft 2008 Gulf Hypoxia Action Plan. These comments are supplementary to, but are in no way a substitute for, any individual comments submitted by the UMRBA's five member states.

As the Governor-established forum for interstate water resource planning and management on the Upper Mississippi River, the UMRBA has an interest in hypoxia primarily as it relates to the management and protection of the Upper Mississippi River (UMR). The UMRBA offers the following comments to aid the Task Force in its finalization and implementation of the 2008 Gulf Hypoxia Action Plan.

Additional Resources Needed to Ensure Progress, Even if Targeting is Employed

The UMRBA concurs with the draft 2008 Action Plan that "current funding for the necessary actions is insufficient." Although the first action step identified in the 2001 Hypoxia Action Plan was the development of an integrated budget to address hypoxia, neither an integrated budget nor the allocation of additional resources to address hypoxia has yet come to pass. In part, as a result, progress on actions outlined in the 2001 Action Plan has been limited. During the same time period, the size of the hypoxic zone in the Gulf has not declined, and may actually be increasing. It is clear that a significant new investment of resources is needed for meaningful progress to be made in addressing Gulf hypoxia.

The draft 2008 Action Plan discusses prioritizing and targeting efforts in states, and watersheds within those states, that appear to be associated with the largest contributions of nutrients to the Gulf. While the UMRBA states agree that prioritizing and targeting make sense to maximize benefits from resources expended, they also believe that existing, successful programs must not be undermined by redirecting their focus to hypoxia at the expense of local and regional water quality concerns. Simply put, targeting is not a substitute for new funding to address hypoxia.

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Enhanced State Role is Appropriate, but States Must Continue to Focus on Primary Missions

The draft 2008 Action Plan assigns an enhanced role to Mississippi River Basin states in carrying out actions to address hypoxia, as it specifically names the states as lead actors or participants in six of the ten actions identified in the draft. The UMRBA believes that it is appropriate for the Action Plan to focus on states as important actors in the hypoxia issue, because they are the implementers of many programs that have an impact on Mississippi River water quality. However, the states must continue to fulfill their primary missions in support of state-level land use and water quality improvements. While the UMRBA agrees with the draft Action Plan that decisions regarding the implementation of state programs should “consider the potential benefits to the Gulf of Mexico,” states’ decisions will not necessarily be primarily driven by hypoxia-related considerations.

UMRBA Leading Regional Collaboration, but Currently has Limited Data Role

In an effort to enhance cooperation between states and improve protection of UMR water quality, the UMRBA has been supporting interstate collaboration through its Water Quality Task Force and Water Quality Executive Committee. The UMRBA expects that this collaboration will improve water quality management regionally and contribute to overall improvements in River water quality. Additionally, this cooperation on the Upper River may be a precursor for future, River-wide collaboration.

Although the UMRBA is playing an important role in UMR water quality program coordination, this role has not included data collection, storage, or distribution. However, the draft Action Plan specifically identifies the UMRBA as an entity to aid in Action #5 efforts to “coordinate, consolidate, and improve access to data.” Although the UMRBA is open to assisting where it can, the Task Force should recognize that the UMRBA does not currently have a primary role in water quality data management.

Enhanced Monitoring and Analysis Needed

The draft Action Plan notes that two monitoring-related action steps from the 2001 Hypoxia Action Plan have not been fully implemented to date. Specifically, these are the actions to “greatly expand the long-term monitoring program for the hypoxic zone” and to “expand existing monitoring efforts within the basin.” The UMRBA agrees with the draft Action Plan that “improved characterization of nutrient flux and hypoxic zone properties is needed to further refine management strategies.” Such efforts are essential to a flexible, adaptive management approach in addressing Gulf hypoxia. However, enhancement of monitoring and associated analyses will not be achievable without the further investment of resources to support these activities.

Importance of Realistic Timelines for Implementation

The UMRBA recognizes that the Task Force faces a difficult challenge in establishing timelines that are both ambitious and realistically achievable. Although the action steps presented in the draft Action Plan do not contain many specific timelines, it appears that more specific timelines are likely to be incorporated into the operating plan which will accompany the final 2008 Action Plan. As the operating plan is prepared, the UMRBA encourages the Task Force to be mindful of setting ambitious, yet attainable, timelines for implementation of action steps that take into consideration the availability of funding to support these activities.

UMRBA Supports Adaptive Management Approach

The UMRBA notes that the draft Action Plan affirms the importance of the adaptive management approach in addressing Gulf Hypoxia. This iterative and flexible approach continues to be essential in addressing an issue where the underlying science is evolving and where economic, environmental, and policy changes all can be important considerations in making appropriate management decisions.

In closing, the Upper Mississippi River Basin Association reaffirms its commitment to working with the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force and the full range of affected stakeholders in striving to understand and address the problem of Gulf Hypoxia.

Sincerely,

A handwritten signature in black ink that reads "Michael D. Wells". The signature is written in a cursive, flowing style.

Michael D. Wells, Chair